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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,115	01/12/2001	Shigefumi Odaohhara	JA999217	1975

7590 04/15/2004

Kevin P. Radigan, Esq.  
HESLIN & ROTHENBERG, P.C.  
5 Columbia Circle  
Albany, NY 12203

EXAMINER

DU, THUAN N

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/760,115

**Applicant(s)**

ODAOHHARA ET AL.

**Examiner**

Thuan N. Du

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. It is hereby acknowledged that the following paper(s) have been received and placed of record in the file: Amendment A (dated 2/2/04).
2. Claims 23 and 24 have been added. Claims 1-24 are presented for examination.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Claim Rejections - 35 USC § 103*

4. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant admission of prior art [AAPA] and Kobayashi et al. [Kobayashi] (Japan Pat. No. JP 6-242978)<sup>1</sup>.
5. Regarding claim 1, AAPA teaches a method substantially as claimed comprising the steps of:

obtaining a result of said power-on self test [application's specification, p. 2, lines 11-14];

and

turning on the power again after stopping the power supply to said computer every time an error is detected [application's specification, p. 2, lines 16-17].

AAPA teaches that the system is manually turned on again by a user. AAPA does not teach the system is automatically restarted when a predetermined test result has been obtained.

Kobayashi teaches a method for controlling power of a computer system wherein the system automatically turns on the power again a predetermined period of time after stops the

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<sup>1</sup> JP 6-242978 was submitted by applicant on 5/16/03 (Paper No. 9).

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power supplied to the computer when a predetermined error is detected (every time an error is detected) unless a retrial frequency exceeds a predetermined value [abstract].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify AAPA's teaching to allowing the system automatically turns on the power again when a predetermined test result has been obtained as taught by Kobayashi. The modification would result of saving time for the user.

6. Regarding claims 2-9 and 23, these claims are directed to method steps for controlling power of the computer of claim 1. As stated above, AAPA and Kobayashi teach the invention substantially as set forth in claim 1. At the time of the invention, one of ordinary skill in the art would have readily recognized that AAPA and Kobayashi may obviously also teach the method steps of claim 1 as set forth in claims 2-9 and 23. As such, claims 2-9 and 23 are rejected under the same rationale with respect to claim 1.

7. Regarding claims 10-22 and 24, AAPA and Kobayashi together teach the claimed method steps. Therefore, AAPA and Kobayashi together teach the apparatus to implement the claimed method steps.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (703) 305-9717.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Thuan N. Du', with a stylized flourish at the end.

Thuan N. Du  
April 9, 2004